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Letter dated 5 November 2001 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to alert you to the fact that the Iraqi Government, in explicit and manifest violation of Security Council resolutions 661 (1990) and 665 (1990), has for some years now been engaged in the large-scale smuggling of petroleum and petroleum products through the waterways and seaports of the Arabian Gulf. We are certain that, without the presence in the international waters of the Gulf of the Multinational Interception Force (MIF), which derives its mandate from the two aforesaid resolutions, the smuggling would have been on an even greater scale. The sanctions regime has thus been increasingly undermined.

In meeting their responsibilities in the context of ensuring compliance with the relevant resolutions, Kuwait and other countries of the region have in recent years seen their ports become crowded with ships violating the embargo. These responsibilities are met despite the administrative and financial burdens assumed by the countries in question in unloading cargoes from these vessels, arranging sales and dealing with ships' crews and other personnel. This is to say nothing of the pollution of their territorial waters, which has happened in the United Arab Emirates and Kuwait.

The situation is exacerbated by the fact that the tankers and other vessels carrying smuggled Iraqi oil are old and broken down and do not meet international standards for the carriage of petroleum and petroleum products. This causes serious environmental pollution, especially in Kuwait's territorial waters but also in the waters of the Gulf in general. The Regional Organization for the Protection of the Marine Environment (RUMPY [i.e. ROPME]) has thus been obliged to submit a request to the Security Council Committee established by resolution 661 (1990), which is currently under consideration, that it should be permitted to take the necessary steps, in coordination with the countries of the region, to unload these vessels as soon as they are detained by MIF in order to protect the marine environment from the pollution that may be caused by their dilapidated condition.

It is cause for concern that the practices of the Iraqi Government have gone beyond the violation of the Security Council resolutions relating to the embargo to include the deliberate pollution of the marine environment. On Monday, 29 October 2001, a Kuwait Coast Guard patrol managed to arrest the vessel *Sea Lion*, which was carrying 1,200 tons of heavy fuel oil, whereupon its master, a certain Sinan

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Thamir Yusuf (of Iraqi nationality), deliberately released the oil into Kuwaiti territorial waters near Bubiyan Island, causing oil slicks to form that measured several kilometres in all directions. This is a crime against the environment that can be added to the record of the previous crimes committed by the Iraqi Government in this domain, the most striking of which was the burning of the oil wells during the occupation of Kuwait and the release of millions of barrels of oil into the waters of the Gulf.

We condemn these Iraqi violations and abuses, which are incompatible with the principles of international law and the international conventions on the environment, and we stress that Kuwait reserves its right to claim compensation for the damage done and losses caused by the pollution of Kuwait's marine environment brought about by Iraq's irresponsible actions. We urge the Security Council to take action to ensure that the Iraqi Government complies with all the relevant Security Council resolutions so as to bring peace and security to the region. We further call upon the Security Council to urge the countries that allow these vessels to fly their flags to discharge their duty to meet their obligations under resolutions 661 (1990) and 665 (1990) and to refrain from contributing to the pollution of the marine environment in this important region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammad A. **Abulhasan**
Permanent Representative